

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Diane Sahakian,)
)
 Plaintiff,)
)
 v.) No. 2:08-CV-241-PHX-HRH
)
 Stats ChipPAC, Ltd., et al.,)
)
 Defendants.)
 -----)

DEPOSITION OF GAIL UY
VOLUME 2 (Pages 171 to 212)

Phoenix, Arizona
October 1, 2009
1:05 p.m.

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I N D E XWITNESSPAGE

GAIL UY

Examination, Continuing, By Mr. Strojnik: 174

EXHIBITSNO.DESCRIPTIONBATESPAGE

43 [Proposed] Affidavit (No Bates) 183
of Gail Uy

44 Publication entitled, DS 2912-2965 181
"Sexual Harassment,
Workplace Authority,
and the Paradoxes of
Power"

45 Article entitled, DS 2908-2911 179
"Female Managers Face
More Sexual
Harassment"

WITNESS INSTRUCTED NOT TO ANSWERPAGELINE

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1 GAIL UY,
2 called as a witness herein having been first duly sworn
3 by the Certified Reporter to tell the whole truth and
4 nothing but the truth, was examined and testified as
5 follows:

6
7 EXAMINATION, Continuing

8
9 BY MR. STROJNIK:

10 Q. Ms. Uy, how are you today?

11 A. Doing good.

12 Q. Thanks for coming to Phoenix to complete
13 your deposition. As you know, my name is Peter
14 Strojnik. I'm the attorney for Ms. Sahakian. And you
15 are here to complete the deposition that we started in
16 Fremont, I believe it was, on May 27th of this year.
17 Are you ready?

18 A. Yes.

19 Q. If you don't understand any question that I
20 put to you, please let me know, because it's very
21 important for me and for the judge and for my client to
22 be certain that you understood a question so the answer
23 you give us is actually the answer that applies to the
24 case and that is truthful, okay?

25 A. Yes.

1 Q. So, let me get back to an issue we talked
2 about last time that we met, and that question was
3 regarding your understanding of the concept of sexual
4 harassment. Do you remember we had a discussion about
5 that?

6 A. Yes.

7 Q. And I believe that you mentioned to me that
8 you had taken a course in college on sexual harassment,
9 correct?

10 A. Yes.

11 Q. I forget what you told me with respect to
12 any continuing education that you've undertaken with
13 respect to sexual harassment. Have you taken any
14 educational courses since college?

15 A. I do attend the sexual harassment training
16 every two years for the supervisors. I also attend a
17 law briefing that is conducted by outside counsel.

18 Q. Okay. When was the last time you had a
19 briefing like that?

20 A. I believe it was last year.

21 Q. During any of these briefings or meetings or
22 continuing education courses, did you learn that sexual
23 harassment does not necessarily have to be sexual in a
24 physical manner, but it could be of a different manner?

25 A. It could be.

1 Q. Okay. So, it doesn't have to be touching or
2 kissing or pushing somebody on somebody else. It could
3 be of a different kind?

4 A. It can be.

5 Q. What different type of sexual harassment can
6 you think of?

7 A. It can be different things. For example, if
8 an employee puts up a calendar showing a person that is
9 scantily clad, that could be offensive to another
10 coworker.

11 Q. What about cases in which the physical
12 appearance of the woman or the victim is not part of
13 the harassment? Can you think of cases where that's
14 the case?

15 MS. LARSEN: Objection; form.

16 Q. BY MR. STROJNIK: Do you understand my
17 question?

18 A. Could you repeat your question?

19 Q. Sure, sure. I think that we can agree that
20 it's sexual harassment if somebody puts on a picture of
21 a woman that is scantily clad, as you've indicated,
22 because the picture shows a physical attribute of a
23 woman.

24 A. (No response.)

25 Q. I think we also agree that if a man makes a

1 pass at a woman or makes comments to the woman about
2 her womanhood or about characteristics of her physical
3 appearance, that would be sexual harassment. But
4 absent those kind of sexual harassment cases, can you
5 think of any other circumstances that you could
6 consider to be sexual harassment?

7 MS. LARSEN: Objection; form.

8 THE WITNESS: It depends.

9 Q. BY MR. STROJNIK: Well, tell me what it
10 depends on.

11 A. It depends on the situation. It depends on
12 the circumstances.

13 Q. What circumstances and what situation does
14 it depend on?

15 A. It depends if it is pervasive. It depends
16 if it's --

17 Q. If what is pervasive?

18 A. If the actions are pervasive.

19 Q. What actions?

20 A. Sexual harassment actions.

21 Q. What are the sexual harassment actions?
22 That's what I'm trying to drive at. What are the
23 sexual harassment actions that might be pervasive but
24 do not relate to the physical attributes of a gender?

25 A. For example, a calendar that had a person

1 scantily clad.

2 Q. That relates to physical attributes of a
3 person. I want you to talk about cases where physical
4 attributes are not a factor.

5 MS. LARSEN: Objection; form.

6 THE WITNESS: I don't know.

7 Q. BY MR. STROJNIK: Let me give you an example.
8 Perhaps we can talk about it. Suppose you have a woman,
9 and suppose you have a group of men who work with that
10 woman and they are constantly demeaning her, not because
11 of the way she looks. And they don't tell you why they
12 are demeaning her, but they're constantly demeaning her,
13 and they're sniping at her, and they're arguing with
14 her, and they're raising their voices toward her. Could
15 that be sexual harassment?

16 A. It depends.

17 Q. On what?

18 A. What is being said, what --

19 Q. What is being said is this: There is
20 raising of voices toward this person; there's comments
21 made about this person that are negative toward a
22 person; they are pejorative toward a person. But none
23 of the things that happened have anything to do with
24 the attributes or the physical attributes of the woman.
25 So, I guess my question is: Could that be sexual

1 harassment?

2 MS. LARSEN: Objection; form.

3 THE WITNESS: I don't know.

4 Q. BY MR. STROJNIK: Where would you look to
5 find out?

6 A. If it's sexual harassment?

7 Q. Sure.

8 A. I'll have to look into what is happening,
9 investigate, and see if there is sexual harassment
10 there.

11 (Exhibit No. 45 was marked.)

12 Q. BY MR. STROJNIK: Okay. Let me show you
13 Exhibit Number 45 to your deposition. And we can just
14 go through it and see if you recognize some of the
15 things in that exhibit as being sexual harassment.
16 First of all, have you ever seen Exhibit Number 45 prior
17 to just this moment?

18 A. No, I haven't.

19 Q. Let me also give you another exhibit which
20 is Exhibit Number 44 and ask you if you've ever seen
21 that exhibit before.

22 A. No, I haven't.

23 Q. Taking a look at Exhibit Number 44 first --
24 I'm sorry, Exhibit Number -- which one is this one?

25 A. 45.

1 Q. 45. 45 first. This was taken off line.
2 It's entitled, "Female Managers Face More Sexual
3 Harassment." Do you have some experience in
4 recognizing sexual harassment experienced by female
5 managers?

6 A. Personal experiences?

7 Q. Experience in your job with STATS.

8 A. I'm sorry. Repeat the question.

9 Q. Yeah. Do you have any knowledge or
10 experience with how female managers face more sexual
11 harassment?

12 A. Not in my position at STATS ChipPAC.

13 Q. The first subsection of this particular
14 article says, "Power, not sex." Do you see that right
15 up here?

16 A. Up here? "Women in positions of power,"
17 here?

18 Q. Do you have the same thing I have?

19 PETER K. STROJNIK: Here. It's 2910.

20 MR. STROJNIK: Oh, 2910.

21 PETER K. STROJNIK: She has the correct
22 copy. Just flip to page 3, please.

23 THE WITNESS: Oh, here.

24 Q. BY MR. STROJNIK: Oh, okay. I'm so sorry.
25 On page 3 of Exhibit 45 on the very top there's a

1 notation that says, "Power, not sex." Have you had any
2 learning in the difference between sexual harassment
3 relating to sex and sexual harassment relating to power?

4 MS. LARSEN: Objection; form.

5 THE WITNESS: No, I haven't.

6 (Exhibit No. 44 was marked.)

7 Q. BY MR. STROJNIK: If I were to ask you right
8 now, is there a distinction between sexual harassment
9 based on sex and sexual harassment based on power, would
10 you be able to explain it to me?

11 A. I don't think so.

12 Q. Okay, fair enough. Take a look at Exhibit
13 44, please. I think I asked you if you've ever seen it
14 before.

15 A. No, I haven't.

16 Q. Is the documentation that you receive in
17 your job as the human resources manager for STATS, do
18 you receive the type of information that is Exhibit
19 Number 44 from anyone?

20 MS. LARSEN: Objection. Before the
21 witness answers, since she has testified she hasn't seen
22 it before, do you want her to read it?

23 MR. STROJNIK: No. If she can tell me
24 just by looking at it, that would be helpful. If she
25 can't, I think Exhibit Number 44 I think is probably --

1 let me tell you how many pages it is. It's about a
2 third of an inch. So I don't want her to read it now.
3 But if she can answer my question just by looking at it,
4 that would be helpful if she can.

5 THE WITNESS: I have to read through it
6 before I could answer the question.

7 Q. BY MR. STROJNIK: Do you ever receive
8 documents that are multipage, perhaps 30, 40 page, that
9 deal with issues such as power and sexual harassment?

10 A. Receive from whom?

11 Q. From anyone.

12 A. Outside the company?

13 Q. Anywhere.

14 A. I do get some documents from SHRM, which is
15 the Society of Human Resources Management, and some
16 other HR organizations.

17 Q. Do any of these pieces of information
18 include a description of sexual harassment based on
19 power as compared to sex?

20 MS. LARSEN: Objection; foundation.

21 THE WITNESS: I don't know. I can't
22 recall.

23 Q. BY MR. STROJNIK: Now, you know that in this
24 case the allegation is made that some of the
25 subordinates of Diane Sahakian were treating her

1 inappropriately; not in a sexual context necessarily,
2 but in a context that made Diane uncomfortable. Are you
3 aware of those allegations?

4 A. Yes, I am.

5 Q. Is it your opinion that these subordinates,
6 such as Eric Gongora, were acting inappropriately
7 toward Diane Sahakian because they were attempting to
8 exercise power over her?

9 MS. LARSEN: Objection; foundation.

10 THE WITNESS: I don't know. You'll have
11 to ask Eric.

12 (Exhibit No. 43 was marked.)

13 Q. BY MR. STROJNIK: Well, we have, and we've
14 asked you, and we've asked a number of people, but
15 nobody admits to anything, so that's why I'm asking you
16 again.

17 You have recently filed an affidavit
18 which is Exhibit Number 43. Let me just show it to
19 you. Do you recognize Exhibit Number 43?

20 A. No, I don't -- oh, hold on. Let me read it.

21 Q. Take a look at it more carefully.

22 A. Yes, I do.

23 Q. Who prepared this affidavit?

24 A. Our counsel prepared it, and I reviewed it
25 before I signed it.

1 Q. Did your counsel prepare the affidavit after
2 he talked to you about what the affidavit should say,
3 or did he or she just prepare the affidavit, send it to
4 you, and ask you to sign it?

5 MS. LARSEN: Objection; calls for
6 attorney-client privileged information.

7 Don't answer that, Gail.

8 Q. BY MR. STROJNIK: Do you take your counsel's
9 advice and refuse to answer my question?

10 A. Yes, I do.

11 Q. Is Exhibit Number -- what is it, 40 --

12 A. '3.

13 Q. 43. Is Exhibit Number 43 the last draft of
14 the affidavit that you signed?

15 MS. LARSEN: Objection; calls for work
16 product.

17 Don't answer that, Gail.

18 Q. BY MR. STROJNIK: Do you refuse to answer my
19 question?

20 A. Yes, I do.

21 Q. Are there other draft affidavits which is
22 Exhibit Number 43?

23 MS. LARSEN: Objection; calls for work
24 product. Instruct the witness not to answer.

25 Q. BY MR. STROJNIK: Do you know what work

1 product is?

2 A. No, I don't.

3 Q. But you still take your counsel's
4 recommendation and you refuse to answer my question?

5 A. I do.

6 Q. Let's take a look at Exhibit Number 43. In
7 paragraph 3 you said the following: You say, "A day or
8 two after August 7th, 2007, I received a call from
9 Diane Sahakian ('Sahakian') concerning a telephone
10 discussion that she had with Dr. Han Buyng Joon
11 ('Dr. Han') on August 7th, 2007" -- and this is the
12 important part -- "wherein she discussed the
13 possibility of taking legal action against Dr. Han
14 and/or the company for the company's inquiries into her
15 management style following the receipt of numerous
16 employee complaints." Do you see that?

17 A. Yes.

18 Q. Is this a true statement?

19 A. Yes.

20 Q. You've testified today that several days
21 after August 7, 2007, Diane Sahakian discussed with you
22 the possibility of taking legal action against Dr. Han;
23 is that true?

24 MS. LARSEN: Objection; form; misstates
25 her affidavit.

1 Q. BY MR. STROJNIK: Did Ms. Sahakian discuss
2 with you the possibility of her taking action against
3 Dr. Han several days after August 7th, 2007?

4 MS. LARSEN: Objection; form; misstates
5 her affidavit.

6 THE WITNESS: She told me what she had
7 discussed with Dr. Han.

8 Q. BY MR. STROJNIK: In your affidavit you say,
9 "She discussed the possibility of taking legal action
10 against Dr. Han." You're testifying that this is what
11 she told you?

12 MS. LARSEN: Objection; form; misstates
13 her affidavit.

14 Q. BY MR. STROJNIK: Am I misunderstanding the
15 affidavit? Do you not say in your affidavit that she
16 told you that she discussed the possibility of taking
17 legal action against Dr. Han?

18 A. That's what she had told me that she had
19 told Dr. Han on their conversation.

20 Q. So she told you several days after August 7th
21 that she told Dr. Han that she was considering taking
22 legal action against him; is that your testimony?

23 A. Yes.

24 Q. In your previous deposition, this is what
25 you said -- I'm sorry -- this deposition previously

1 taken. The question was:

2 "Q. Did Diane report to you that BJ
3 said to her that she can sue him, or what does this
4 comment mean?"

5 And your answer was:

6 "A. Diane said to me that at one point
7 during their conversation that BJ said to her that you
8 can sue me."

9 My question to you today is: Which is
10 true?

11 MS. LARSEN: Objection; form.

12 THE WITNESS: I don't recall if it was --
13 I do recall having a conversation with Diane when she
14 called me that she had mentioned that she had
15 threatened -- that she had mentioned that she might take
16 action against Dr. Han.

17 Q. BY MR. STROJNIK: Let me understand. You are
18 testifying today that after the conversation between
19 Dr. Han and Ms. Sahakian which occurred on April 7th,
20 that during your conversation with Ms. Sahakian she told
21 you that she might take action against Dr. Han; is that
22 what your testimony is?

23 A. I can't recall exact facts on there.

24 Q. Do you think it would be appropriate for you
25 to go to the judge assigned to this case and tell him

1 that your affidavit is not based on your actual memory?

2 MS. LARSEN: Objection; form.

3 Q. BY MR. STROJNIK: You see, the judge relied
4 on your affidavit in making a decision. My question is:
5 Now that we know that you don't really remember, do you
6 think it would be appropriate for you to go to the judge
7 and tell him, "You know what, Judge, I don't really
8 remember"?

9 MS. LARSEN: Objection; form.

10 THE WITNESS: I don't know.

11 Q. BY MR. STROJNIK: Is it possible that at the
12 time you talked to Ms. Sahakian that you had already
13 talked to Dr. Han and that it was Dr. Han who told you
14 that she told him that she might sue him? Is that
15 possible?

16 MS. LARSEN: Objection; form.

17 THE WITNESS: It could be.

18 Q. BY MR. STROJNIK: So would it be fair to say
19 that you could have talked to Dr. Han sometime between
20 April 7th, 2007, but prior to your talking to Diane
21 Sahakian several days later?

22 MS. LARSEN: Objection; form.

23 THE WITNESS: I did not talk to Dr. Han
24 about any possible suit that --

25 Q. BY MR. STROJNIK: I'm sorry. It was August

1 7th, not April 7. Does everybody understand it was
2 August 7, not April 7?

3 A. I thought you said April 7.

4 Q. Okay. I made a mistake. Let me go again.
5 Is it possible that the information that's in this
6 affidavit in paragraph 3 where you say that she
7 discussed the possibility of taking legal action
8 against Dr. Han, is it possible that you received this
9 information from Dr. Han and not from Ms. Sahakian?

10 MS. LARSEN: Objection; form.

11 THE WITNESS: I know that Diane had
12 called me prior to me talking to Dr. Han.

13 Q. BY MR. STROJNIK: So, it is impossible that
14 you received this information from Dr. Han?

15 MS. LARSEN: Objection; form.

16 THE WITNESS: I had received information
17 from Diane before I received it from Dr. Han, because
18 Diane called me before -- Diane called me, and then I
19 had a conversation with Dr. Han after that conversation
20 with Diane Sahakian.

21 Q. BY MR. STROJNIK: So, there's no possibility
22 that you could have gotten this information -- and let
23 me just read it to you again -- "that she discussed the
24 possibility of taking legal action against Dr. Han" --
25 there is no possibility that you received this

1 information from Dr. Han?

2 MS. LARSEN: Objection; form.

3 THE WITNESS: No, because I did talk to
4 Diane Sahakian before I talked to Dr. Han.

5 Q. BY MR. STROJNIK: That goes to reason,
6 correct? You couldn't have gotten it from Dr. Han
7 because you didn't talk to Dr. Han before you talked to
8 Ms. Sahakian?

9 A. Yes, that's correct.

10 Q. Okay. In paragraph 3 you go on and you say
11 that, "The reason why she could take action against
12 Dr. Han was, 'for the company's inquiries into her
13 management style following the receipt of numerous
14 employee complaints.'"

15 Did Diane Sahakian tell you in her
16 conversation with you after August 7, 2007, that the
17 reason why she could sue Dr. Han was because of the
18 company's inquiries into her management style following
19 the receipt of numerous employee complaints?

20 A. Yes.

21 Q. That's what she told you?

22 A. Yes.

23 Q. At the time that you spoke with Ms. Sahakian
24 you actually made some handwritten notes. Do you
25 recall those?

1 A. Yes, I do.

2 Q. Did you look at those before you came to the
3 deposition today?

4 A. No.

5 Q. And in those notes you pretty much wrote
6 down what the conversation was; do you remember that?

7 A. Yes, I do.

8 Q. Okay. Let me just look it up real quick to
9 see if there's anything about that. Does anybody know
10 what the exhibit number is? I know what it looks like,
11 but I don't know where it is. Oh, here we go. Are
12 these the notes that you took?

13 A. Yes, it is.

14 Q. Can you go through your notes -- which are
15 in exhibit number what?

16 A. 29.

17 Q. -- 29, and show where in there you make
18 reference to the management style following the receipt
19 of numerous employee complaints?

20 A. The management style investigation, I think
21 it was -- let's see. It was relating to Scott Gooch at
22 this interview.

23 Q. Her threat to file a lawsuit was related
24 to --

25 A. No.

1 Q. Now, remember, you have to look at your
2 affidavit to put it in context. You say, "She
3 discussed the possibility of taking legal action
4 against Dr. Han and/or the company for the company's
5 inquiries into her management style following the
6 receipt of numerous employee complaints."

7 I don't find that connection in your
8 handwritten notes. Perhaps you can point it out to me.

9 A. Well, the company's inquiries into her
10 management style came about after Scott Gooch's exit
11 interview.

12 Q. So, how does that relate to the possibility
13 of taking legal action against Dr. Han?

14 A. She had told me on that conversation that
15 the company should not have done that, and that's
16 somehow again some kind of law she said.

17 Q. She said that to you?

18 A. Yes.

19 Q. Did you write that down?

20 A. No, I did not.

21 Q. Now, actually, you did write something down
22 about a lawsuit. Can you read that into the record?

23 A. It says, "BJ said she can sue him."

24 Q. Okay. So, the fact of the matter is that
25 she did not say that she can sue BJ; she said, "BJ told

1 me I can sue him," correct?

2 MS. LARSEN: Objection; form.

3 THE WITNESS: That's what she told me.

4 Q. BY MR. STROJNIK: I understand. That's the
5 only information you had at the time, right?

6 A. Yes.

7 Q. Because you hadn't talked to BJ yet?

8 A. No.

9 Q. After you talked to BJ maybe the information
10 changed. But at the time that you talked to Diane
11 Sahakian, the only information you had was that BJ told
12 Diane Sahakian that Diane Sahakian can sue BJ, correct?

13 A. That's what Diane told me.

14 Q. And that's different than what you say here
15 where you say that she discussed the possibility of
16 taking legal action against Dr. Han. She discussed
17 what Dr. Han said about that; that's what she
18 discussed, correct?

19 A. I'm sorry?

20 MS. LARSEN: Objection; form.

21 Q. BY MR. STROJNIK: She did not discuss the
22 legal possibility of taking action against Han. She was
23 simply telling you what Dr. Han told her, correct?

24 MS. LARSEN: Objection; form.

25 THE WITNESS: That's what she said to me.

1 Q. BY MR. STROJNIK: Now, but you did say that
2 you talked to Dr. Han after you talked to Ms. Sahakian;
3 is that correct?

4 A. Yes.

5 Q. Did Dr. Han disagree with what Ms. Sahakian
6 told you several days after August 7th?

7 A. With what she told me about --

8 Q. About the conversation on August 7th. Did
9 he tell you, "No, no, no. That's not how it happened.
10 This is how it happened"? Did he say that to you?

11 A. He told me what he had said.

12 Q. What did he tell you?

13 A. What he had said -- I don't recall everything
14 that he had said then, but I think what he said was he
15 had a conversation with Diane, and he mentioned that
16 Diane is threatening to sue him.

17 Q. Okay. So it was during your conversation
18 with Dr. Han that Dr. Han told you that Diane told him
19 or was threatening him to sue him, correct?

20 MS. LARSEN: Objection; form.

21 THE WITNESS: I think that's what he
22 said.

23 Q. BY MR. STROJNIK: When did this conversation
24 take place?

25 A. It was after I talked to Diane Sahakian.

1 Q. Okay. What else happened during this
2 conversation?

3 MS. LARSEN: I believe that we're talking
4 about the same conversation you had with BJ Han and
5 Janet Taylor; is that correct?

6 THE WITNESS: Yes.

7 MS. LARSEN: Okay. Then she's asserting
8 attorney-client privilege and will not answer those
9 questions.

10 Q. BY MR. STROJNIK: So, the conversation you
11 had with Dr. Han was a three-way conversation. There
12 was the conversation between you and Janet Taylor and
13 Dr. Han?

14 A. Yes.

15 Q. What was the purpose of that conversation?

16 MS. LARSEN: Objection; calls for
17 attorney-client communication.

18 Q. BY MR. STROJNIK: Can you take a look at
19 paragraph 7 where you say the following: "The sole
20 purpose of our conversation was to decide how the
21 company should respond to Sahakian's threat." See that?

22 A. Um-hmm, yes.

23 Q. So, let me ask you again, what was the
24 purpose of that conversation?

25 MS. LARSEN: And again, I instruct the

1 witness not to answer beyond the scope of her affidavit
2 for the purposes of attorney-client communications.

3 Q. BY MR. STROJNIK: Is your affidavit correct?

4 A. Yes.

5 Q. When did this conversation take place?

6 MS. LARSEN: Objection; asked and
7 answered.

8 THE WITNESS: Are you asking me the exact
9 dates?

10 Q. BY MR. STROJNIK: I want you to be just as
11 accurate as you can. And you can answer the question in
12 relation to other events or whichever way you want. I'm
13 not asking for a date. For example, you can say, "Well,
14 it was on a Saturday. I was at the zoo with my kids. I
15 remember that." Just tell me the best you can as to
16 when this conversation took place.

17 A. I can't remember the exact date without
18 looking at my notes.

19 Q. There are some notes with dates?

20 A. I have the date on my notes here.

21 Q. Well, you're pointing to Exhibit Number 29.
22 Exhibit Number 29 was filled out a day or two after
23 August 7th. So did this conversation take place a day
24 or two after August 7th?

25 A. It could be. It could be.

1 Q. It could be. Maybe a day or two after,
2 maybe a day after, maybe two days after?

3 A. I don't recall the exact date.

4 Q. You say in paragraph 7 that the sole purpose
5 of the conversation was to decide how the company
6 should respond to Sahakian's threat. Did you know
7 prior to this conversation that there was a threat by
8 Sahakian?

9 A. Prior to my conversation with Janet Taylor
10 and Dr. Han?

11 Q. Correct.

12 A. Yes.

13 Q. How did you know there was a threat by Diane
14 Sahakian prior to this conversation?

15 A. Well, based on my discussion with Diane
16 Sahakian when he called me.

17 Q. Well, in your conversation with Diane
18 Sahakian, she did not tell you that she was threatening
19 anybody. What she told you was that Dr. Han said to
20 her, "You can sue me." I don't see the threat in that.
21 Do you see the threat in that?

22 MS. LARSEN: Objection; form;
23 argumentative.

24 THE WITNESS: Maybe.

25 Q. BY MR. STROJNIK: How do you see a threat in

1 that?

2 A. Well, when I hear the word "lawsuit," that
3 means that an employee is thinking about taking legal
4 actions against the company.

5 Q. But your notes, Exhibit Number 29, in your
6 conversation with Ms. Sahakian disclosed that it was
7 not Sahakian who threatened. It was Dr. Han who
8 mentioned to her that she can sue him. There's nothing
9 in the notes here that says Ms. Sahakian threatened to
10 sue; is there?

11 A. No.

12 Q. And she didn't tell you that she intended to
13 sue; did she? Because you would have written it down
14 here on Exhibit Number 29 if she did, correct?

15 MS. LARSEN: Objection; form.

16 THE WITNESS: I don't know. I don't know
17 if I would have written it down. Maybe I was in a rush
18 to write it down. I don't remember.

19 Q. BY MR. STROJNIK: Okay. But what we do know
20 is that you were aware that there was a threat by
21 Ms. Sahakian. You were aware of that fact prior to your
22 conversation with Janet Taylor and Dr. Han; am I correct
23 so far?

24 A. Yes.

25 Q. Okay. We also know that Ms. Sahakian did

1 not threaten anything during her conversation with you.
2 We know that; don't we?

3 MS. LARSEN: Objection; form.

4 THE WITNESS: Based on my discussion with
5 her, she said that -- she mentioned a suit.

6 Q. BY MR. STROJNIK: What she said to you, just
7 to make absolutely clear, is that Dr. Han said, "You can
8 sue me"?

9 MS. LARSEN: Objection; form; misstates
10 her testimony.

11 THE WITNESS: I think that's what she
12 told me.

13 Q. BY MR. STROJNIK: Now, but we also know that
14 Dr. Han told you that she had threatened to sue.

15 A. Yes.

16 Q. So, the best I can glean from this, the only
17 place you could have found out that there was a suit by
18 Ms. Sahakian was from Dr. Han?

19 MS. LARSEN: Objection; form.

20 THE WITNESS: No. Diane Sahakian had
21 told me on our conversation that she mentioned some kind
22 of suit taking actions against the company.

23 Q. BY MR. STROJNIK: What did she say to you?
24 "I'm going to take action against company"? What did
25 she say to you?

1 A. I can't remember exactly what she said, but
2 to a point where she had mentioned that she may take
3 legal actions against the company.

4 Q. And you thought that was a threat?

5 A. Yes.

6 Q. That's an important piece of information;
7 don't you think?

8 A. Maybe.

9 Q. What do you mean, maybe? It either is or it
10 isn't.

11 MS. LARSEN: Objection; form.

12 THE WITNESS: At that time it probably
13 wasn't that important.

14 Q. BY MR. STROJNIK: Did you expect to be sued
15 because of what happened to Ms. Sahakian?

16 MS. LARSEN: Objection; form.

17 THE WITNESS: I don't know.

18 Q. BY MR. STROJNIK: Would it be within your
19 expectations that you would be sued as a result of what
20 happened to Ms. Sahakian?

21 MS. LARSEN: Objection; form; asked and
22 answered.

23 THE WITNESS: I don't know.

24 Q. BY MR. STROJNIK: Nonetheless, you had a
25 conversation with Janet Taylor and Dr. Han for the

1 express purpose of how to respond to what you call
2 Ms. Sahakian's threat, correct?

3 A. Yes.

4 Q. And the threat you refer to is the threat of
5 a lawsuit, correct?

6 A. Yes.

7 Q. So, we have three individuals. We have
8 corporate counsel, Diane Sahakian's manager, and the
9 human resources manager, and they get together to
10 discuss how to respond to a threat of a lawsuit,
11 correct?

12 A. Yes.

13 Q. Okay. Now, how do you know that the sole
14 purpose of the conversation was to decide how to
15 respond to Sahakian's threat?

16 MS. LARSEN: Objection; calls for
17 attorney-client communication. I instruct the witness
18 not to answer.

19 Q. BY MR. STROJNIK: Is that something that was
20 created in your mind, that, "We better have a
21 conversation so that we can decide how the company
22 should respond to Dr. Sahakian's threat"?

23 MS. LARSEN: Objection; calls for
24 attorney-client communication. Instruct the witness not
25 to answer.

1 MR. STROJNIK: Actually, I'm not asking
2 anything about any attorney-client communication. I'm
3 asking what was in her mind prior to the conversation.

4 Q. BY MR. STROJNIK: Let me ask you again: In
5 your mind, did you understand that the purpose of the
6 conversation you were about to have with Dr. Han and
7 Janet Taylor was how to respond to Sahakian's threat?

8 A. Can you repeat your question, please.

9 MR. STROJNIK: Can you read the question
10 back.

11 (Read back by the reporter.)

12 THE WITNESS: Yes.

13 Q. BY MR. STROJNIK: In your mind, you knew that
14 before the conversation?

15 A. I had an idea.

16 Q. Did you have an idea or did you know that
17 this is what was going to be talked about?

18 A. I only had an idea.

19 Q. What was the basis for your idea that this
20 is what you were going to talk about?

21 MS. LARSEN: If the basis of your
22 understanding came from any communication from general
23 counsel, then I would instruct you not to answer.

24 THE WITNESS: Because all threats of
25 lawsuits have to be disclosed to general counsel.

1 Q. BY MR. STROJNIK: Who disclosed this threat
2 of a lawsuit to general counsel?

3 A. The person who knows about it.

4 Q. So, that was you?

5 A. Yes.

6 Q. So, you called general counsel and said
7 there's a threat of a lawsuit?

8 MS. LARSEN: Objection; calls for
9 attorney-client communication. Instruct the witness not
10 to answer.

11 MR. STROJNIK: Can you read the last
12 couple of questions and answers back? I think that was
13 answered anyway. If you would, please.

14 (Read back by the reporter.)

15 Q. BY MR. STROJNIK: So, you knew about this
16 threat of a lawsuit a day or two after August 7th, 2007,
17 correct?

18 A. Yes.

19 Q. And then you disclosed this threat of a
20 lawsuit to Janet Taylor, correct?

21 MS. LARSEN: Objection; calls for
22 attorney-client communications. Instruct the witness
23 not to answer.

24 MR. STROJNIK: Counsel, I don't know if
25 you were here, but she testified that that's what

1 happened, that that's waived.

2 MS. LARSEN: I disagree, and I instruct
3 the witness not to answer. You just asked her
4 specifically what she told general counsel, and I'm
5 instructing her not to answer that.

6 Q. BY MR. STROJNIK: Now, the policy of STATS is
7 to disclose threats of a lawsuit to general counsel,
8 correct?

9 A. Legal has to know.

10 Q. Okay, legal has to know. And is it the
11 policy of STATS to follow instructions given by general
12 counsel?

13 MS. LARSEN: Objection; foundation.

14 THE WITNESS: Yes.

15 Q. BY MR. STROJNIK: So, we have two policies.
16 Policy Number 1, when lawsuits are a threat legal
17 counsel has to know. Policy Number 2, we will follow
18 the instructions given by legal department, correct?

19 A. Yes.

20 Q. In this case, though, something happened in
21 the meantime. There was a conversation between you and
22 Dr. Han and Janet Taylor, correct?

23 MS. LARSEN: Objection; form.

24 Q. BY MR. STROJNIK: You told Janet Taylor
25 there's a threat of a lawsuit. Then there was a

1 conversation between you, Dr. Han and Janet Taylor,
2 correct?

3 MS. LARSEN: Objection; calls for
4 attorney-client communication. Instruct the witness not
5 to answer.

6 THE WITNESS: I can't answer that
7 question.

8 Q. BY MR. STROJNIK: Was there a conversation
9 the sole purpose of which was to decide how the company
10 should respond to Sahakian's threat?

11 A. Yes.

12 Q. Let's talk about that conversation, okay.
13 Did that conversation take place somewhere in time?

14 MS. LARSEN: Objection; form;
15 argumentative.

16 Q. BY MR. STROJNIK: Do you understand my
17 question? Did it happen at a time?

18 MS. LARSEN: Objection; form.

19 THE WITNESS: Yes.

20 Q. BY MR. STROJNIK: Okay. It happened at a
21 time, because everything happens at a time, right?

22 A. Yes.

23 Q. So, first you called Janet Taylor which
24 happened a day or two after August 7th, 2007, correct?

25 A. Yes.

1 Q. Then there's a conversation between yourself,
2 Dr. Han and Janet Taylor, the sole purpose of which was
3 to decide how the company should respond to Sahakian's
4 threat, correct?

5 A. Yes.

6 Q. Okay. Now, this is where the second policy
7 of STATS comes in. The policy is that STATS will
8 follow counsel's instructions, correct?

9 MS. LARSEN: Objection; foundation.

10 Q. BY MR. STROJNIK: Correct?

11 A. Yes.

12 Q. Okay. And then we all know that certain
13 things happened to Ms. Sahakian, correct? Ultimately,
14 she got fired?

15 MS. LARSEN: Objection; form.

16 Q. BY MR. STROJNIK: Correct?

17 A. Yes, she was terminated.

18 Q. She was terminated. She was also put on
19 special projects, correct?

20 MS. LARSEN: Objection; form.

21 THE WITNESS: She was, yes.

22 Q. BY MR. STROJNIK: Okay. Now, she was put on
23 special projects because Counsel told you to do that.

24 MS. LARSEN: Objection; calls for
25 attorney-client communication. Instruct the witness

1 not to answer.

2 Q. BY MR. STROJNIK: Correct?

3 A. Can't answer that question.

4 Q. On August 13th, 2007, there was an e-mail
5 issued by Dr. Han that said something like, "Dear
6 Leaders: This is to advise you that Diane Sahakian
7 will be taken off her current project and she's going
8 to go into special projects." Do you recall that
9 e-mail?

10 A. I do recall an e-mail coming from Dr. Han,
11 yes.

12 Q. Was your conversation with Janet Taylor and
13 Dr. Han prior to that e-mail coming out, or subsequent
14 to that e-mail coming out?

15 A. I can't remember exact dates.

16 Q. Was there a time that you knew whether the
17 conversation between you and Dr. Han and Janet Taylor
18 took place in relation to the e-mail, or did you not
19 ever know?

20 PETER K. STROJNIK: There's enough.
21 That's enough. You got it.

22 THE WITNESS: I'm sorry. Do you want me
23 to answer that question? He interrupted.

24 Q. BY MR. STROJNIK: I know. We have advice
25 from my co-counsel which prompts me to withdraw the

1 question.

2 Do you agree with the following
3 statement: Do you agree that women may be subjected to
4 sexual harassment if they challenge their subordinate
5 position in the current gender system?

6 MS. LARSEN: Objection; foundation.

7 THE WITNESS: I don't know.

8 Q. BY MR. STROJNIK: Will you agree with the
9 following statement: Women supervisors who hold
10 workplace power and authority over male co-workers
11 challenge the natural superiority of men and
12 subordination of women. Agree with that statement?

13 MS. LARSEN: Objection; foundation.

14 THE WITNESS: I don't know.

15 Q. BY MR. STROJNIK: We're getting very close.
16 Can we go back to Exhibit Number 45. Can you go to this
17 page. I think we were looking at it. Let me ask you if
18 you agree with the following, "Power, not sex." I'm
19 just going to ask you if you agree with the statements
20 that I'm going to read to you: Sexual harassment is and
21 always has been about power more than it is about sex.
22 Do you agree with that?

23 MS. LARSEN: Objection; foundation; form.

24 THE WITNESS: I don't know. That's her
25 opinion.

1 Q. BY MR. STROJNIK: Do you agree with the
2 following statement: What is so difficult and
3 frightening to women who are in management positions and
4 have worked hard to get there is that they are suddenly
5 feeling extremely vulnerable because they find
6 themselves in a situation which might cost them
7 everything. Do you agree with that statement?

8 MS. LARSEN: Objection; form; foundation.

9 THE WITNESS: I don't know.

10 Q. BY MR. STROJNIK: Do you agree with following
11 statement: When female managers are harassed, they
12 often end up caught up in a catch 22 and tend not to
13 report the behavior because of the stigma that could
14 develop, both personal and professional. Agree with
15 that?

16 MS. LARSEN: Objection; form; foundation.

17 THE WITNESS: I don't know.

18 Q. BY MR. STROJNIK: When women are found in
19 that position, do you agree with the following analysis:
20 If they complain they are seen as complainer, but if
21 they don't do anything about it, they will continue to
22 be harassed. Do you agree with that statement?

23 MS. LARSEN: Objection; form; foundation.

24 THE WITNESS: I don't know.

25 MR. STROJNIK: Well, thank you very much

1 for coming down to Phoenix. I'm actually going to be
2 seven minutes early because I know how important timing
3 is in this case. So, thank you very much for coming.

4 MS. LARSEN: We'll read and sign.

5 (The deposition adjourned at 1:52 p.m.)
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(IF THERE ARE NO CHANGES, WRITE "NONE.")

[illegible]

1 STATE OF ARIZONA)
2)
3 COUNTY OF MARICOPA)

4 I, JANET HAUCK, a Certified Reporter,
5 Certificate No. 50522, in the State of Arizona, do
6 hereby certify that the foregoing witness was duly
7 sworn to tell the whole truth; that the foregoing pages
8 constitute a full, true, and accurate transcript of all
9 proceedings had in the foregoing matter, all done to
10 the best of my skill and ability. Pursuant to request,
11 notification was provided that the deposition is
12 available for review and signature.

13
14 I FURTHER CERTIFY that I am not related
15 to nor employed by any of the parties hereto, and have
16 no interest in the outcome hereof.

17
18 WITNESS my hand this 15th day of
19 October, 2009.

20
21
22 _____
23 Janet Hauck, RPR
24 Arizona Certified
25 Reporter No. 50522